

REMARKS

In the Office Action the Examiner noted that claims 1-13 are pending in the application, and the Examiner rejected all claims. By this Amendment, claim 11 has been cancelled without prejudice or disclaimer. Thus, claims 1-10 and 12-13 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Claim Rejections Under 35 USC §101

In item 1 on page 2 of the Office Action the Examiner rejected claim 10 under 35 U.S.C. §101, alleging that the claimed invention is directed to non-statutory subject matter. The Examiner stated, "Page 31 of the specification suggest that the claimed method can be carried out by a software program and further does not limit the executable program to a physically realizable medium."

The Applicant respectfully traverses the Examiner's rejection of claim 10. Claim 10 recites operations in a method for receiving and playing back a plurality of pieces of video information, and such a method claim is proper under §101. The Applicant is unsure as to why the Examiner would cite one page of the present application, which discusses the implementation of such operations with a computer, as somehow negating the validity of a method claim. It appears that the Examiner is alleging that the method is restricted to a software program by that passage, and therefore should be claimed as such. However, the Applicant respectfully submits that such a description of a program causing a computer to perform such operations in no way restricts the described method to being contained in such a program. Claim 12 of the present application recites a medium having stored thereon a program, but claim 10 simply recites a method. In other words, claim 10 is not describing a set of computer instructions, and should not be viewed as non-statutory subject matter for the apparent reasons set forth by the Examiner. Therefore, the Applicant respectfully requests that the Examiner withdraw the §101 rejection of claim 10.

In item 2 on page 2 of the Office Action the Examiner rejected claim 11 under 35 U.S.C. §101. By this Amendment, claim 11 has been cancelled without prejudice or disclaimer.

Claim Rejections Under 35 USC §103

In item 3 on pages 3-4 of the Office Action the Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over the Description of the Related Art in the present application (hereinafter referred to as "DRA") in view of Japanese Patent Application Publication No. 2001-203977, issued to Takao et al. (hereinafter referred to as "Takao") The Applicants respectfully traverse the Examiner's rejections of this claim.

Claim 1 of the present application recites a scenario management section for reading a playback scenario where playback information regarding the plurality of pieces of video information is described, for determining a playback schedule according to the playback information, and for exercising distribution of the plurality of pieces of video information among the plurality of decoder modules and switching control over output from the plurality of decoder modules. The Applicant respectfully submits that neither DRA nor Takao discloses, suggests, or even contemplates such features.

The Examiner alleged that DRA discloses receiving a plurality of pieces of video information, and Takao discloses a plurality of decoders which would receive said plurality of pieces of video information. However, the Applicant respectfully submits that neither of these allegations are supported by the references.

DRA does not disclose receiving a plurality of pieces of video information (the Examiner acknowledged that DRA does not disclose a plurality of decoders or an output switching section). Rather, DRA disclose receiving one piece of video information at a time, and having to cancel a playback operation, erase the buffered data of the piece of video information, and then requesting the next piece of video information from the streaming server. Such a disconnect caused by only receiving one piece of video information, and having to wait to receive the next, is one of the problems addressed by the present application.

Likewise, Takao only receives one piece of video information at a time, and this single piece of video information is then loaded into both of two decoders. This configuration is used so that playback of this single piece of information can be reproduced more seamlessly when a user asks for it to be repeated. In other words, as described on pages 4-5 of the present application, the continuity of the animation is not harmed when the user wants to repeat the information. However, in order to achieve such a benefit, it is quite obvious that both decoders have the same piece of video information. The output switching section cited by the Examiner exists simply to switch the playback between the decoders when a user sends such an instruction. There is no exercising distribution of the plurality of pieces of video information

among the plurality of decoder modules by a scenario management section, because the single piece of video information is simply copied to both decoders.

Therefore, the Applicant respectfully submits that it is apparent that neither of the cited references, either taken alone or in combination, disclose the recited features of "a scenario management section for reading a playback scenario where playback information regarding the plurality of pieces of video information is described, for determining a playback schedule according to the playback information, and for exercising distribution of the plurality of pieces of video information among the plurality of decoder modules and switching control over output from the plurality of decoder modules." It is apparent that there is no plurality of pieces of video information delivered by a network, and no playback schedule therefore determined, nor exercising the distribution of the plurality of pieces. Further, as the switching between the decoders (containing the same single piece of video information) is performed due to a user, there is quite obviously no switching of control by a scenario management section.

The Applicant respectfully notes that the description of the cited references is offered simply to aid the Examiner's understanding of at least these differences between claim 1 of the present application and the cited references. The Applicant **does not** rely on any portion of this discussion (e.g., advantages, purposes, etc.) as providing evidence of patentably distinguishable characteristics of claim 1. Rather, the Applicant **does rely only on the actual recited features** identified by quotation marks in the preceding paragraph. The Applicant respectfully submits that any contrary characterization of the Applicant's arguments is improper, as no other evidence is relied upon either implicitly or explicitly.

Further, the Applicant respectfully submits that there is no motivation to combine the references. The Examiner alleged that it would have been obvious to combine the references to eliminate the discontinuity discussed in DRA. However, as apparent from the cited references and the discussion in this Amendment, the two decoders of Takao contain the same piece of video information, and therefore the discontinuity problem of DRA would not be addressed at all. Thus, there is no proper motivation to combine these references.

For at least the reasons presented so far in this Amendment, the Applicant respectfully submits that claim 1 patentably distinguishes over the cited references.

In item 4 on pages 4-5 of the Office Action the Examiner rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over DRA in view of Takao and U.S. Patent No. 5,996,015, issued to Day et al. (hereinafter referred to as "Day"). In item 5 on pages 5 and 6 of the Office Action the Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable

over DRA in view of Takao, U.S. Patent No. 6,519,716, issued to Branstad (hereinafter referred to as "Branstad"), and U.S. Patent No. 6,202,190, issued to Welder (hereinafter referred to as "Welder"). In item 6 on pages 6-8 of the Office Action the Examiner rejected claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over DRA in view of Takao and Welder. In item 7 on page 8 of the Office Action the Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over DRA in view of Takao and U.S. Patent No. 5,983,069, issued to Cho et al. (hereinafter referred to as "Cho"). In item 8 on pages 8-10 of the Office Action the Examiner rejected claims 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over DRA in view of Takao and Day. In item 9 on pages 10-12 of the Office Action the Examiner rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over DRA in view of Takao and Day. In item 10 on pages 12-13 of the Office Action the Examiner rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over DRA, in view of Takao, Day, and U.S. Patent No. 6,370,323, issued to Adolph et al. (hereinafter referred to as "Adolph"). The Applicants respectfully traverse the Examiner's rejections of these claims.

As previously discussed in this Amendment, claim 1 patentably distinguishes over admitted prior DRA and Takao. Further, none of the references cited above cure the deficiencies of DRA and Takao discussed at length in the preceding portions of this Amendment regarding claim 1 of the present application. Therefore, as claims 2-9 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed or suggested by the cited references, it is respectfully submitted that claims 2-9 also patentably distinguish over the cited references.

Independent claims 12 and 13 recite similar features to those discussed in regard to claim 1 of the present application, and which are not disclosed or suggested by any of the cited references. Therefore, it is respectfully submitted that claims 12 and 13 also patentably distinguish over the cited references.

Summary

In accordance with the foregoing, claim 11 has been cancelled without prejudice or disclaimer. Thus, claims 1-10 and 12-13 remain pending in the application.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

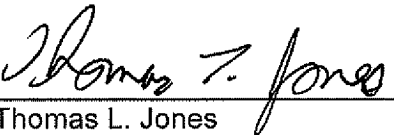
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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